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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,759	08/18/2003	Michael K. Barnoski	1125/206	3922

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EXAMINER

NASRI, JAVAID H

ART UNIT PAPER NUMBER

2839

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary	Application No. 10/643,759	Applicant(s) BARNOSKI ET AL.	
	Examiner Javaid Nasri	Art Unit 2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 96-145 is/are pending in the application.
- 4a) Of the above claim(s) 99-102, 114, 117-129 and 135 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 96-98, 103-113, 115, 116, 130-134 and 136-145 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/13/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 96 and 136-145 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al (5,647,042, cited in previous office action) in view of Lessar et al (5,902,326, cited in previous office action).

Ochiai et al discloses, **for claim 96**, a ferrule having a body made of metal (see col. 7, line 55) defining at least a bore for supporting an optical fiber; and a sleeve (24, 24c) sized and shaped to receive the ferrule and to couple to the connection device, so as to align the ferrule and the optical fiber supported by the ferrule relative to the connection device, **for claim 136**, a first ferrule (2) having a metal body (see col. 7, line 55) supporting the first optical fiber (1); a second ferrule (5a) having a metal body (see col. 7, line 55) supporting the second optical fiber (4); a common sleeve (5b) sized and shaped to receive the first ferrule and the second ferrule, so as to align the first ferrule relative to the second ferrule, and the first optical fiber relative to the second optical fiber, **for claim 137**, at least one of the first and second ferrules comprises first and second half ferrules (see figure 21, 23) that together define a bore sized and shaped to receive respective one of the first and second optical fibers, **for claim 138**, the common sleeve has a first end receiving the first ferrule, an a second end receiving the second ferrule, **for claims**

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139-141, a first component (2) configured to support a first optical fiber (1), comprising a first body defining a first bore for supporting the first optical fiber, a second component (5a) configured to support a second optical fiber (4), comprising a second body defining a second bore for supporting the second optical fiber, and a third component (5b) configured to axially align the first component and the second component, so that the first optical fiber is aligned with the second optical fiber, **for claim 142**, a ferrule having a body made of metal, wherein the body comprises a first ferrule half and second ferrule half defining a bore for supporting an optical fiber; and a sleeve sized and shaped to receive the ferrule and to couple to the connection device, so as to align the ferrule and the optical fiber supported by the ferrule relative to the connection device, **for claim 143**, a ferrule having a body defining at least a bore for supporting an optical fiber, an optical fiber supported by the body; and a sleeve coupled to the ferrule, and sized and shaped to connect to the connection device, so as to align the ferrule and the optical fiber supported by the body relative to the connection device, **for claim 144**, a first component comprising a first body defining at least a bore supporting a first optical fiber, and a second component comprising a second body supporting a second optical fiber, wherein the first body and the second body are axially aligned end-to-end, so that the first optical fiber is axially aligned with the second optical fiber, **for claim 145**, the first component further comprising a third body sized and shaped to receive the second body.

However, Ochiai et al does not disclose,

- a) The body (ferrule) is formed by a stamping process. Lessar et al discloses ferrule is formed by a stamping process (see claim 22), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the

invention for Ochiai et al to have the ferrule being formed by a stamping process in view of Lessar et al for economical purpose.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 96-98, 103-111, 115 and 130-134 rejected under 35 U.S.C. 102(b) as being anticipated by Karlovich (5,037,328, cited in previous office action).

Karlovich discloses, **for claim 96**, a ferrule having a body made of metal (see col. 6, lines 26-34) defining at least a bore **for** supporting a cable (See note below); and a sleeve (24, 24c) sized and shaped to receive the ferrule and to couple to the connection device, so as to align the ferrule and the optical fiber supported by the ferrule relative to the connection device, the body is characterized by a metal structure that is formed by a stamping process (see col. 2, lines 62-67), **for claim 97**, the body of the ferrule has a cross-section that is generally uniform for an entire length of the body, **for claim 98**, the body of the ferrule has a cross-section that is generally at least one of circular, partially circular, **for claim 103**, the ferrule includes at least one of a groove and a protrusion on its external surface and the sleeve includes at least one of a complementary protrusion or groove (see marked figure 1, attached), **for claim 104**, the ferrule comprises a first ferrule half and a second ferrule half (top and bottom portions, see figure 1), **for claim 105**, the first ferrule half and the second ferrule half are maintained in a mating relationship by the sleeve

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(see figure 1), **for claim 106**, the first ferrule half has a structure that is substantially similar to that of the second ferrule half, each provided with at least a groove, which together define the bore for supporting the optical fiber, (see marked figure 1, attached), **for claims 107-111**, the first ferrule half and the second ferrule half are each characterized by a structure that is formed by a stamping process (see col. 2, lines 62-67), **for claims 115**, matching grooves (see figure 1), **for claim 116**, first ferrule half and the second ferrule half are connected at an edge (see figure 1, completely round), **for claim 130**, the first ferrule half and the second ferrule half each has a hollow body structure facing each other (see figure 1), **for claim 131**, the sleeve is made of metal, and is characterized by a structure that is formed by a stamping process (see col. 6, lines 26-34), **for claim 132**, the sleeve has a cross- section that is characterized by a loop formed by stamping from a generally flat material (see col. 6, lines 26-34 and figure 1), **for claim 133**, the sleeve has a structure that includes a split (between 112 and 114) along an axial direction, **for claim 134**, the sleeve has a cross- section that is generally uniform,

Note: Regarding “for supporting an optical fiber” in Apparatus, Article and Composition Claims, Intended Use Language Must Result in a Structural Difference to Patentably Distinguish Over the Prior Art. See MPEP § 2111.02, 2112, & In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

5. Claims 112 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karlovich.

Karlovich discloses all the limitations of claims 96, 104, 107, 109 and 111, as shown above,

However, Karlovich does not disclose:

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- a) The two ends are attached by welding or adhesive. Official notice is taken that to attach two ends by welding or adhesive is well known in the art, therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Karlovich to have two ends attached by welding or adhesive to have permanent attachment.

Response to Arguments

6. Applicant's arguments filed 3/14/2005 have been fully considered but they are not persuasive.

After reconsidering and reviewing applicant's comments, claims and previous rejection the examiner came to the conclusion as follows:

Regarding applicant's comment:

- a) That Karlovich does not teach a ferrule comprising *a first half and a second half*. This limitation is newly added in newly added claim 142. It should be noted that it is so broadly claimed that it reads on figure 1. The first half could be the bottom part (28) below the axis line and the second half could be the above part (28) above the axis line. They need not be two separate parts.
- b) It would not be obvious to combine Ochiai patent and the Lessar patent to render obvious the stamped metal ferrule body structure. It should be noted that stamping is just a process of forming a body and Lasser discloses that process. Therefore, it would be obvious to combine Ochiai

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patent and the Lessar patent to render obvious the stamped metal ferrule
body structure

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Contact

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 571 272 2095. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas C. Patel can be reached on 571 272 2800 ext 39. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Javad Nasri
Primary Examiner
Art Unit 2839

JN

Jhn

May 16, 2005